

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

George F. de Laire

v.

Civil No. 21-cv-131-JD

Gary Michael Voris, et al.

Procedural Order

The defendants filed two motions to compel discovery from the plaintiff on September 3, 2021. Docs. nos. 27 & 28. The first motion, document number 27, seeks a mental examination of the plaintiff pursuant to Federal Rule of Civil Procedure 35 ("Mental Exam Motion"). The second motion, document no. 28, seeks other discovery pursuant to Federal Rule of Civil Procedure 37 ("Discovery Motion").

On September 17, 2021, the deadline for filing responses to the defendants' motions, the plaintiff filed two documents that were docketed as "Motion to Compel," document no. 29, and "Assented to Motion to Compel," document no. 30. The documents actually filed, however, were the plaintiff's oppositions to the motions to compel. Document no. 29 responded to the Mental Exam Motion, and document no. 30 responded to the Discovery Motion. On the same day, the plaintiff refiled his oppositions to the defendants' motions to compel separately, docketed as

objections, and included exhibits that were not filed with the "motions". Docs. nos. 31 & 32.

On Monday, September 20, after the deadline had passed, the plaintiff again filed oppositions to the defendants' motions, which were again docketed as objections. Docs. nos. 33 and 34. Although document number 33 is the plaintiff's objection to the defendants' Mental Exam Motion, the docket entry states that it should replace documents 30 and 31, which are an opposition to the Discovery Motion (no. 30) and an opposition to the Mental Exam Motion (no. 31). Similarly, although document number 34 is an objection to the Discovery Motion, the docket entry says it replaces documents nos. 29 and 32, which are an objection to the Mental Exam Motion (no. 29) and an objection to the Discovery Motion (no. 32).

The most recent filings were made after the deadline, but the plaintiff did not seek an extension of time or demonstrate that he had received assent from the defendants. The certifications of service state that service was made on the prior Friday, September 17. While the documents filed on Friday and Monday appear to be the same, there may have been changes made that are not readily apparent.

Plaintiff's duplicitous filings have created confusion about what documents he intended to be his responses to the defendants' motions.

Conclusion

For the foregoing reasons, the plaintiff shall notify the court and the defendants, by means of a document to be filed in this case, which of the previously filed documents he intends to be his responses to the defendants' motion. That document shall be filed **on or before September 27, 2021**.

SO ORDERED.


Joseph A DiClerico, Jr.
United States District Judge

September 21, 2021

cc: Counsel of record.